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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 MD MAHBUBUR RAHMAN,

10 Petitioner,

11 v.

12 A. NEIL CLARK, Field Office Director,
13 U.S. Immigration and Customs
Enforcement,

14 Respondent.
15

NO. C09-1281-TSZ-JPD

REPORT AND
RECOMMENDATION

16 On September 10, 2009, petitioner, proceeding pro se, filed a Petition for Writ of Habeas
17 Corpus pursuant to 28 U.S.C. § 2241, challenging his detention by the U.S. Immigration and
18 Customs Enforcement (“ICE”). (Dkt. No. 6.) On October 22, 2009, however, respondent filed a
19 Return and Motion to Dismiss along with documentation, indicating that on October 20, 2009,
20 petitioner’s application for asylum was granted and he was released from ICE custody. (Dkt.
21 Nos. 9 and 10.) Respondent asserts that because petitioner has been accorded all the relief
22 sought in his habeas petition – release from detention – his Petition for Writ of Habeas Corpus is
23 now moot and should be dismissed. (Dkt. No. 9.)

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25 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
26 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002).

1 “When a controversy no longer exists, the case is moot.” *Id.* Because petitioner is no longer
2 detained by ICE, the Court finds that petitioner’s habeas petition should be dismissed as moot.
3 *See, e.g., Cooney v. Edwards*, 971 F.2d 345, 346 (9th Cir. 1992) (holding that the District Court
4 properly dismissed plaintiff’s claims that had become either moot or unripe). Accordingly, I
5 recommend that this action be dismissed. A proposed Order accompanies this Report and
6 Recommendation.

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8 DATED this 23rd day of October, 2009.

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11 JAMES P. DONOHUE
12 United States Magistrate Judge
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